(i) (a) Annual Report of the Export Inspection Council and Export Inspection Agencies (volume-I) for the year 1993-94.

(b) Statemen giving reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. *See* No. LT-7698/95]

(ii) (a) Annual Report and Accounts of the Cashew Export Promotion Council of India, Cochin, for the year 1993-94, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Above Counnil.

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. *See* No. LT-7696/95]

(iii) (a) General Funds Accounts of the Coffee Board, Bangalore, for the year 1993-94, and the Audit Report thereon.

(b) Statement giving reasons for the delay in laying the papers mentiontd at (a) above.

(iv) (a) Fifty-Fourth Annual Report and Accounts of the Coffee Board, for the year 1993-94, tobether with the Audit Report on the Accouur.

(b) Review by Government on the working of the above Board.

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. *See* No. LT-7695/95]

(v) (a) Thirty-First Annual Report and Accounts of the Basic Chemicals Pharmaceuticals and Cosmetics Export Promotion Council, Bombay, for the year 1993-94, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Above Council.

[Placed in Library. *See* No. LT-7602/95]

(vi) (a) Thirty-sixth Annual Report and Accounts of the Chemicals and Allied Products Export Promotion Council, Calcutta, for the year 1993-94, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the above Council.

[Placed in Library. *See* No. LT-7454/95]

(vii) (a) Thirty-ninth Annual Report and Accounts of the Plastics and Linoleum Export Promotion Council, Bombay, for the year 1993-94, together with the Aurit Report on the Accounts.

(b) Review by Government on the working of the above Council.

(Placed in Library. See No LT-7603/95]

REPORTS OF THE COMMITTEE ON SUBORDINATE LEGISLATION

SHRI H. HANUMANTHAPPA (Karnataka): Madam, I present the Hundred and Ninth and Hundred and Tenth Reports (in English and Hindi) of the Committee on Subordinate Legislation.

Re. Criminal Law Amendment Bill and Patent Bill

SHRI ASHOK MITRA (West Bengal): Madam, ...(*Interruptions*)...

SHRI CHIMANBHAI MEHTA (Gujarat): Madam, we want to know as to what is happening to the Criminal Law Amendment Bill. On Friday there was no mention of the Criminal Law Amendment Bill when the Government business for the next week was announced. People are having a wrong signal now. The criminals are now more active on this front because they are thanking that nothing

can be done now. TADA has gone. It is all right. I am not for TADA, but some substitute should have been there. The Home Minister was to inform us on Friday. On that day the Home Minister could not reply because it was under the jurisdiction of the BAC. Therefore, we should know what the fate of the Criminal Law Amendment Bill is.

THE DEPUTY CHAIRMAN: The other day I announced the decision of the BAC and the question arose why it was not mentioned in that. Now, whatever business is listed for today, it has come from the Minstry of Parliamentary Affairs. The Secretariat of Rajya Sabha or the Chairman or the Deputy Chairman doesn't decide the business of the House. We run the business of the House with your co-operation, but putting up a business, which business should come when and at what time, in which order, is entirely the prerogative of the Parliamentary Affairs Ministry and I cannot answer on behalf of that Ministry. Mr. Chidambaram can lay papers on his colleague's behalf, but I cannot take the responsibility to answer on behalf of the Parliamentary Affairs Minister.

SHRI CHIMANBHAI MEHTA: The Home Minister is not here. (*Interruptions*)....

THE DEPUTY CHAIRMAN: The Home Minister should come here. When he comes I will ask him. ... (*Interruptions*)....

SHRI VAYALAR RAVI (Kerala): What is the urgency for it? .. (*Interruptions*)

SHRI G. SWAMINATHAN (Tamil Nadu): Madam, it appears that the Government has given some amendments. These amendment have gone to certain parties. We read it from the newspapers that the have suggested some amendments to the NF and the LF. No amendment have come to our party. We don't know anything about it. We read about it only through the newspapers. Is it true that the Government has sent amendments only to certain parties and not to other parties?

THE DEPUTY CHAIRMAN: I don't know.

SHRI G. SWAMINATHAN: Then it is not fair... (*Interruptions*)...It is not all the Government. ...(*Interruptions*)

THE DEPUTY CHAIRMAN: Can I answer all these questions? I cannot. I am not the Government, I am the Deputy Chairman.

SHRI G. SWAMINATHAN: The Government should send the amendments to all the parties. The amendments cannot be sent to certain parties only.

THE DEPUTY CHAIRMAN: When the Home Minister is there or the Parliamentary Affairs Minister is there...

SHRI G. SWAMINATHAN: Madam, we don't know what is happening.

SHRI K. R. MALKANI (Delhi): Madam someone from the Government should clarify the position. ... (*Interruptions*)....

SHRI G. SWAMINATHAN: Madam, we don't know what is happening. We cannot read all these things from the newspapers. It is not fair. The Leader of the Opposition says that during the last 48 hours he has not heard anything from the Government, but the newspapers say that the Government has sent some matters to other parties. How can we read from the papers, Madam? It is not right. If at all they want some amendment, it has to be circulated to all the parties, not to certain parties.

THE DEPUTY CHAIRMAN: Shri Mohammed Afzal, I can see your presence in the House. Shri Ashok Mitra, will you please sit down. I hate to see you standing when everybody is speaking. I will call you.

SHRI G. SWAMINATHAN: Madam, I want your ruling on this matter.

THE DEPUTY CHAIRMAN: What ruling can I give?

SHRI G. SWAMINATHAN: Whether Government can refrain from sending their... (*Interruptions*)

THE DEPUTY CHAIRMAN: Will you please sit down for a second? Would you like to be disrespected while others are talking? Shri Ashok Mitra, will you please sit down for a minute?

SHRI G. SWAMINATHAN: I am on my seat. I want a ruling from the Deputy Chairman.

THE DEPUTY CHAIRMAN: Mr. Swaminathan, there cannot be any ruling on a subject whch does not concern me or the House. It concerns the Home Minister who is not present in this House now. So, I canot give a ruling when the Parliamentary Affairs Minister is also not there.

SHRI G. SWAMINATHAN: At least one Parliamentary Affairs Minister should be here to answer. There is nobody here. You have told several times that at least one Minister should be available here to answer qutstions relating to Parliamentary Affairs. They are not listening to our sentiments, Madam. You have told that the Parliamentary Affairs Minister of somebody else should be here nobody is here to answer.

THE DEPUTY CHAIRMAN: Mr. Vayalar Ravi wants to any something.

SHRI G. SWAMINATHAN: Mr. Vayalar Ravi cannot answer. He is not a Minister. We will be very happy if the Minister answer and the Minister should answer.

THE DEPUTY CHAIRMAN: He is a Member of the House, can he not speak?

SHRI G. SWAMINATHAN: He cannot speak, the Minister should answer. You will be very happy that he is not a Minister, Madam. On behalf of the Minister he cannot answer. He is not the Government. He is in Government in Kerala, not at the Centre. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Swaminathan, as a Member of the House he has a right to speak. I think Mr. Vayalar Ravi is a Member of the House. I recognise him as a Member of the House. He too should have a right to contribute his valuable suggestions. Now, let him speak, listen to him.

SHRI ASHOK MITRA: I want to speak for a minute.

THE DEPUTY CHAIRMAN: Now, let him speak as a Government.

SHRI VAYALAR RAVI: I am speaking not only on the issue that you raised, but I am speaking of replacement of the TADA by the Criminal Law Amendment Bill. That is what I am saying Madam. It is a general report which you have received and which we are seeing, that Government is trying for a consensus. It is not rushing a Bill through this House. All the people, all the parties, all the political parties; have to agree on a common Bill. Rather, some of us in the Congress Party also are not agreeing. to replace TADA with the same draconian We are also opposed provisions to it. So, Madam; it is necessary that all political parties must come together for a consensus. Before that, you cannot rush. it you cannot rush it. (*Interruptions*)

DR. BIPLAB DASGUPTA (West Bangal): Madam, while I can understand the concern of the Government to have a consensus on this issue and I appreciate this, we cannot remain still for some time, and then suddenly rush forward. If they want to take time, let them take time. What I mean is this, Madam. Just on Friday I received another set of amendments from Mr. Chavan. (Interruptions) Just a minute. I have not said. Now, if these amendments are required to be studied and if they have to be amended, if these amendment are formerly proposed by the Home Minister, I would like to move by amendment to his amendments.

THE DEPUTY CHAIRMAN: Move it, who stops you?

DR. BIPLAB DASGUPTA: What I am saying is this. There must be time for it, it should not be lost unnecessarily. And what we have been suggesting for a long time from this side is that this Bill should be referred to a Joint Committee. What is the point in the Government sitting on this when they have not made up their mind on this? So many amendments are floating around. Let them refer it to a Joint Committee, Madam.

THE DEPUTY CHAIRMAN: Until and unless the Bill is before the House for discussion, there is no point in discussing all these things. There is the question of your amendment; at any point of time you can move your amendment. So nobody is stopping you. Move an amendment, no problem, when the Bill comes, you object. Let me do my business.

DR. BIPLAB DASGUPTA: Madam, the point I am making is this. Let the hon. Minister not accelerate it at the last moment.

THE DEPUTY CHAIRMAN: I am not the Government.

DR. BIPLAB DASGUPTA: The Government should not suddenly accelerate it in the last two days. (*Interruptions*) We should be given time. (*Interruptions*)

THE DEPUTY CHAIRMAN: When the matter comes up, I will ask him.

मोहम्मद अफजल साहब आपकी क्या समस्या है ?

श्री मोहम्मद अफजल उर्फ भीम अफजल (उत्तर प्रदेश) : सेम वही समस्या है । इसी ईश्यू से रिलेट करते हुए मैंने सुबह भी एक दरख्वास्त दी थी । मैं जिस मामले को उठाना चाहता था मैं समझता हूं कि अब दूसरे मेंबर्स ने इसको उठा दिया है । तो मेरी जो इन्फारमेशन है मैं कम से कम उसे हाऊस में बताना चाहता हूं कि गवर्नमेंट इस बिल को पैंडिंग रखकर सेशन के खत्म होने का इंतजार कर रही है । और टाडा जैसा एक आर्डीनेंस लाना चाहती है । अगर सरकार में हिम्मत है तो वह यह काम पार्लियामेंट के चलते करे । पार्लियामेंट को धोखा देने की कोई जरूरत नहीं है । पार्लियामेंट को धोखा देकर कोई आर्डीनेंस सरकार लाना चाहती है । यहां रूटा सिंह जी बैठे हुए हैं और कैबीनेट मिनिस्टर भी बैठे हुए हैं ऽ. . . (व्यवधान)

†[ڈاکٹر محمد افضل عرف م۔ افضل: بالکل وہی سمسیا ہے۔ اسی ایشو سے ریلیٹ کرتے ہوئے میں نے صبح بھی ایک درخواست دی تھی۔ میں جس معاملے کو اٹھانا چاہتا تھا۔ میں سمجھتا ہوں کہ اب دوسرے ممبرس نے اسکو اٹھا دیا تھا تو میری جو انفارمیشن ہے میں کم سے کم اسے ہاؤس میں بتانا چاہتا ہوں کہ گورنمنٹ اس بل کو پینڈنگ رکھکر سیشن کے ختم ہونے کا انتظار کر رہی اور ٹاڈا جیسا ایک آرڈیننس لانا چاہتی ہے اگر سرکار میں ہمت تو وہ یہ کام پارلیمنٹ کے چلتے کرے۔

†[ ]Transliteration in Arabic Script.

پارلیمنٹ کو دھوکا دینے کی کوئی ضرورت نہیں ہے۔ پارلیمنٹ کو دھوکہ دے کر کوئی آرڈیننس سرکار کو لانا چاہئے۔ یہاں پر ٹاسک فورس، سیٹ اپ اور منسٹر بھی بیٹھے ہوئے ہیں ... مداخلت

श्री जगेश वंजारी (महाराष्ट्र) : ऐसा हो ही नहीं सकता है । ... (**व्यवधान**)

श्री मोहम्मद अफजल उर्फ भीम अफजल : मैं कहीं गया हुआ था ... (**व्यवधान**)

श्री एस० एस० अहलूवालिया (बिहार) : आपको कुछ पता नहीं है ... (**व्यवधान**)

श्री मोहम्मद अफजल उर्फ भीम अफजल : मुझे आपसे ज्यादा पता है कि आप क्या कर रहे हैं ? ... (**व्यवधान**) यह टाडा जैसा ही बिल है। इसको पूरे हिन्दुस्तान के लोग अपोज करेंगे और अगर इस तरह का कोई आर्डीनेंस लाया गया तो यह सरकार की धोखाधड़ी होगी और मेरी इनफार्मेशन है कि सरकार इस बिल को टालेगी और बाद में आर्डीनेंस लाकर टाडा को रिप्लेस करना चाहती है । मैं कहना चाहता हूं कि आप लोग ह्यूमैन राइट्स के खिलाफ 10 साल से काम कर रहें हैं, मज़ीद करने की कोशिश न करें मैं आपके माध्यम से सरकार से यह कहना चाहता हूं कि मिनिस्टर यहां मौजूद है, वह यह डिनाई करें कि पार्लियामेंट को कान्फीडेंस में लिए बगैर कोई आर्डीनेंस नहीं लाया जाएगा ।

†[]جناب محمد افضل عرف - افضل:
مجھے آپ سے زیادہ پتہ ہے کہ آپ کیا کر رہے ہیں ... "مداخلت" ... یہ "ٹاڈا" جیسا ہی بل ہے۔ اسکو پورے ہندوستان کے لوگ اپوز کرینگے اور اگر اس طرح کا کوئی آرڈیننس لایا گیا تو یہ سرکار کی دھوکا دھڑی ہوگی اور

میری انفارمیشن ہے کہ سرکار اس بل کو ٹالے گی اور بعد میں آرڈیننس لاکر "ٹاڈا" کو ریپلیس کرنا چاہتی ہے۔ میں کہنا چاہتا ہوں کہ آپ لوگ ہیومین رائٹس کے خلاف دس سال سے کام کر رہے ہیں۔ مزید کرنے کی کوشش نہ کریں۔ میں آپکے مادھیم سے سرکار سے یہ کہنا چاہتا ہوں کہ منسٹر یہاں موجود ہیں۔ وہ یہ ڈینائی کریں کہ پارلیمنٹ کو کانفیڈنس میں لئے بغیر کوئی آرڈیننس نہیں لایا جائیگا۔

THE DEPUTY CHAIRMAN: It is very funny. We do not have the Bill. We are discussing it when the Bill is not before us. There is no discussion on the Bill.

SHRI GURUDAS DAS GUPTA (West Bengal): Madam,...

THE DEPUTY CHAIRMAN: No.

SHRI MOHAMMED AFZAL *alias* MEEM AFZAL: I am talking about the expected Ordinance, which the Government is planning to bring. The Ministers who are sitting here should deny it. If this is not correct, they should deny it.

SHRI GURUDAS DAS GUPTA: Madam, it is not about the Bill, It is about the peculiar behaviour of the Government.

THE DEPUTY CHAIRMAN: Please sit down. I have identified Shri Sikander Bakht.

†[]Transliteration in Arabic Script.

विपक्ष के नेता (श्री शिव सेवक बक्त) : सदर साहिबा, मैं इस बात को दोहराना चाहता हूं कि यह तमाम एक्सरसाइज़ जो क्रिमिनल ला बिल के सिलसिले में है। सरकार ने इसको टोटली मैस में डाल दिया है और ज्यादा अफसोसनाक बात यह है कि निहायत लापरवाही से क्लोज़ डोर मीटिंग किससे हो रही है, क्या हो रही है, इसका कुछ अंदाजा नहीं है। आज सुबह मुझे यह कागज़ मिला है। यह कागज होम मिनिस्टर साहब के लिफाफे में मिला है। इस कागज को मुझ तक पहुंचाने के लिए किसी किस्म का कोई खत नहीं है, कोई लिखा नहीं गया है। मुझे समझ में नहीं आता कि क्या मकसद लेकर यह भेजा गया है। दुबारा से कुछ अमेंडमेंट मेरे पास आयी हैं जो एस०बी० चव्हाण साहब के नाम से हैं। सदर साहिबा, मैं जानना चाहता हूं कि यह तमाम पार्लियामेंटरी ऐक्टीविटीज़ का मज़ाक क्यों उड़ाया जा रहा है? क्या नरसिंह राव की सरकार जहां और बहुत सारे कमालात हैं जिसके बोझ के नीचे यह मुल्क पिस रहा है, पामाल हो रहा है, क्या यही तरीका है कि तमाम पार्लियामेंटरी ऐक्टीविटीज़ के तौर तरीकों को बदल दिया जाएगा? कुछ समझ में नहीं आ रहा है। पूरी बहस हो चुकी है, पूरी बहस के बाद कंसैंस पर आधारित यहां बयान होम मिनिस्टर साहब का हो गया और सिर्फ वोट होना बाकी था।

†اُنتری سلندر بخت: صدر صاحبہ۔ میں اس بات کو دھرانا چاہتا ہوں کہ یہ تمام ایکسرسائز جو تمام کرمنل لاء بل کے سلسلے میں ہیں سرکار نے اسکو ٹوٹلی میس میں ڈال دیا ہے اور زیادہ افسوس جنک بات یہ ہے کہ نہایت لاپرواہی سے "کلوز ڈور میٹنگ"

اس سے ہو رہی ہے۔ کیا ہو رہی ہے۔ اسکا کچھ اندازہ نہیں ہے۔ آج صبح یہ کاغذ ملا ہے۔ یہ کاغذ ہوم منسٹر صاحب کے لفافے میں ملا ہے۔ اس کاغذ کو مجھ تک پہونچانے کیلئے کسی قسم کا کوئی خط نہیں ہے۔ کوئی لکھا نہیں گیا ہے۔ مجھے سمجھ میں نہیں آتا کہ کیا مقصد لیکر یہ بھیجا گیا ہے۔ دوبارہ سے کچھ امینڈمینٹ میرے پاس آئی ہیں جو ایس۔وی۔ چوہان صاحب کے نام سے ہیں۔ صدر صاحبہ میں جاننا چاہتا ہوں کہ یہ تمام پارلیمینٹری ایکٹیویٹیز کا مذاق کیوں اڑایا جا رہا ہے۔ کیا نرسمہا راؤ کی سرکار جہاں اور بہت سارے کمالات ہیں جسکے بوجھ کے نیچے یہ ملک پس رہا ہے۔ پامال ہو رہا ہے۔ کیا یہی طریقہ ہے کہ تمام پارلیمنٹری ایکٹیویٹیز کے طور طریقوں کو بدل دیا جائیگا۔ کچھ سمجھ میں نہیں آرہا ہے۔ پوری بحث ہو چکی ہے۔ پوری بحث کے بعد کنسینس پر آدھارت یہاں بیان ہوم منسٹر صاحب کا ہو گیا ہے اور صرف ووٹ ہونا باقی تھا۔

†[ ]Transliteration in Arabic Script

श्री मोहम्मद सलीम (पश्चिमी बंगाल): लेकिन जनाब कंसैंस पर आधारित नहीं था ।

DR. BIPLAB DASGUPTA: There was no consensus on it.

श्री सिकन्दर बख्त. मुझे अपनी बात खत्म करने दीजिए, उसके बाद आपको जो कुछ कहना है, कहिए । मैं यह मानता हूं कि वह कंसैंस पर आधारित था । कौन-कौन सी पार्टी की क्या अमेंडमेंट उसमें मंजूर की जा चुकी थी, उसका भी जिक्र मैंने किया था । एनीवे, मैं उस संबंध में बहस नहीं करना चाहता । मेरा कहना है कि सरकार की तरफ से एक बयान आया, जवाब आया । पूरी बहस का और स्टेज यह बाकी रह गयी थी कि उस पर वोटिंग होनी थी । वोटिंग होने के अलावा मैं जगह-जगह से सुनता आ रहा हूं कि कुछ मुख्तलिफ किस्म की एक्सरसाइज आ रही हैं कुछ नये अमेंडमेंट्स आने वाले हैं । अब वह एक्सरसाइज किस-किसके दरमियान हुई, यह मैं जानता हूं । मैं यह मानता हूं कि जिस पार्टी से मेरा संबंध है, वह इस हाऊस में लार्जेस्ट अपोजीशन पार्टी है । लार्जेस्ट अपोजीशन पार्टी से नए डाइलाग के सिलसिले में कोई बातचीत नहीं की गयी है । मैं, यह कागज, जो बगैर फार्वर्डिंग लैटर के साथ भेजा गया है, इस पर सख्त तरीन एतराज करता हूं और इस बात की मज्जमत करता हूं कि यह सरकार तमाम पार्लियामेंटरी सिस्टम को खाक में मिलाना चाहती है । जितने भी इंस्टीट्यूशंस इस मुल्क में हैं, उनको यह सरकार खाक में मिलाना चाहती है और बने बनाये कायदे, कानून और कन्वेंशन, के रास्ते पर नहीं चलना चाहती है । मुझे सिर्फ यही कहना है ।

उपसभापति महोदय: मुझे अपनी बात खत्म करने दीजिए । उसके बाद आप को जो कुछ कहना है, कहिए । मैं यह मानता हूं कि वह कंसैंस पर आधारित था । कौन-कौन सी पार्टी की क्या अमेंडमेंट उसमें मंजूर की जा चुकी थी, उसका भी जिक्र मैंने किया था । एनीवे, मैं उस संबंध में बहस नहीं करना चाहता । मेरा कहना है कि सरकार की तरफ से एक बयान आया, जवाब आया । पूरी बहस का और स्टेज यह बाकी रह गयी थी कि उस पर वोटिंग होनी थी । वोटिंग होने के अलावा मैं जगह-जगह से सुनता आ रहा हूं कि कुछ मुख्तलिफ किस्म की एक्सरसाइज आ रही हैं कुछ नये अमेंडमेंट्स आने वाले हैं । अब वह एक्सरसाइज किस-किसके दरमियान हुई, यह मैं जानता हूं । मैं यह मानता हूं कि जिस पार्टी से मेरा संबंध है, वह इस हाऊस में लार्जेस्ट अपोजीशन पार्टी है । लार्जेस्ट अपोजीशन पार्टी से नए डाइलाग के सिलसिले में कोई बातचीत नहीं की गयी है । मैं, यह कागज, जो बगैर फार्वर्डिंग लैटर के साथ भेजा गया है, इस पर सख्त तरीन एतराज करता हूं और इस बात की मज्जमत करता हूं कि यह सरकार तमाम पार्लियामेंटरी सिस्टम को खाक में मिलाना चाहती है । जितने भी इंस्टीट्यूशंस इस मुल्क में हैं, उनको यह सरकार खाक में मिलाना चाहती है और बने बनाये कायदे, कानून और कन्वेंशन, के रास्ते पर नहीं चलना चाहती है । मुझे सिर्फ यही कहना है ।

[T] Transliteration in Arabic Script.

اس ملک میں ہیں انکو یہ سرکار خاک
میں ملانا چاہتی ہے اور بنے بنائے قانون
اور کنونشن کے راستے پر نہیں چلنا چاہتی
ہے۔ مجھے صرف یہی کہنا ہے۔ "ختم شد"

THE DEPUTY CHAIRMAN: Let us go ahead with our work now.

DR. BIPLAB DASGUPTA: If the Congress and the BJP have an agreement, let them go ahead... (*Interruptions*)

THE DEPUTY CHAIRMAN: Now we are not discussing that.

DR. BIPLAB DASGUPTA: We are not a party to that. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: Madam, I want to make one point very clear... (*Interruptions*)

THE DEPUTY CHAIRMAN: I want to say one thing. We have no Bill with us just now. There is no point in discussing that. Let us go ahead.

SHRI GURUDAS DAS GUPTA: I am not talking about the Bill. I am talking about the peculiar political behaviour of the Government particularly the Minister of Home Affairs... (*Interruptions*)

The entire House is being held in suspense. We want the Government to make up its mind on the total unanimous demand of an important section of this House, which is not ready to accept to be a party to the TADA. We shall never accept it. We wanted them to make it foolproof.

THE DEPUTY CHAIRMAN: All right. Let us go ahead and do some other business.

SHRI GURUDAS DAS GUPTA: Therefore, we wanted the matter to be sent to a Joint Committee. Let the Government announce that. What is the use of holding the House in suspense? Neither is it fair, nor is it legitimate. We want the Government to make upon its mind and inform us.

SHRI G. SWAMINATHAN: The Bill is the property of the House. You have to pronounce a decision on this matter.

THE DEPUTY CHAIRMAN: It is under safe custody with me. Don't worry.... (*Interruptions*)

SHRI G. SWAMINATHAN: You can not say that the Government should answer this. You have to pronounce a decision on this.

THE DEPUTY CHAIRMAN: Yes. Still the House has not adjourned sine die. Till Friday we are still working. So please don't get worried. As far as the Bill is concerned it is the property of the House. The Home Minister is not here. The Parliamentary Affairs Minister is not here. I cannot speak on their behalf. Let us do some business. When I go to my chamber I will talk to them and comeback to reply to you. I cannot speak to you now... (*Interruptions*)...

SHRI S. JAIPAL REDDY (Andhra Pradesh): The Leader of the Opposition, while speaking mentioned, by way of implication that the amendments which Chavan Saheb had circulated to some of us including the Leader of the Opposition were prepared in consultation with us. We did have discussions with the Government. We have nothing to do with the amendments suggested by the Home Minister. They have not been tabled apperently. Therefore we deny any participation in the process of these amendments. We have fundamental philosophical objections to such Bills in general and this Bill in particular. The BJP of course in conformity with its own philosophy is pressing for this Bill. I have no objection to that.

SHRI G. SWAMINATHAN: The Hon. Parliamentary Affairs Minister is here.

THE DEPUTY CHAIRMAN: I saw him.

डा० मुरली मनोहर जोशी (उत्तर प्रदेश): महोदया, पार्लियामेंटरी एफियर्स मिनिस्टर आ गए हैं। मैं उनसे निवेदन करूंगा कि कृपया वे सदन को बतायें कि....

उपसभापति : आप बैठिए मैं पूछती हूं।

डा० मुरली मनोहर जोशी : सरकार क्रिमिनल अमेंडमेंट बिल को कब सदन के सामने लाना चाहती है? पेटेंट बिल सरकार सदन के सामने कब लाना चाहती है? हमें पिछली बार यह बताया गया था कि पेटेंट बिल यहां 30 तारीख को पेश किया जाएगा और पिछले चार दिनों से हम लगातार सुन रहे हैं कि क्रिमिनल अमेंडमेंट ला, अब आया, अभी आया, कल आया, जल्दी आया। आपकी इसके बारे में क्या नीति है, क्या सरकार का निर्णय है, यह जरा सदन को आप बतायें तो। हम जानना चाहते हैं। सारा सदन, सारा देश इस मामले में चिंतित है। किस प्रकार की निष्क्रियता सरकार कर रही है? मेरा अनुरोध होगा, उपसभापति जी कि इस बारे में संसदीय कार्य मंत्री बयान दें।

उपसभापति : शुक्ला जी, पिछले 15 मिनटों से, 20 मिनटों से मेंबर्स इस बारे में सवालात पूछ रहे हैं कि कब इसे सरकार लाना चाहती है। हाउस एडजर्न होने के लिए अब केवल तीन दिन रह गए हैं। अगर आप इस पर रोशनी डाल सकें तो बेहतर होगा।

संसदीय कार्य मंत्री (श्री विद्याचरण शुक्ल) : जहां तक पेटेंट बिल का संबंध है, मैं अनुरोध करने वाला हूं कि क्योंकि यह लोक सभा से पास हो चुका है, इसलिए इस सदन की एक प्रवर समिति बनाकर इसको पेश किया जाएगा। हाऊस की, राज्य सभा की सेलेक्ट कमेटी उसको देख ले और उसमें यदि उनको कोई संशोधन करना है तो संशोधन करने के बाद यदि वह सर्वसम्मति से संशोधन होते हैं तो फिर लोक सभा के सामने ले जाकर उसमें उचित संशोधन कर लिया जाएगा। जहां तक पेटेंट बिल का सवाल है, आज या कल हम इसका मोशन मूव करेंगे कि इसे सेलेक्ट कमेटी के सामने पेश कर दिया जाए। **(व्यवधान)**

उपसभापति : आप सुनिये। मेरे बोलने से पहले आप बोलने लगते हैं। **(व्यवधान)**

I cannot hear. Please keep quiet.

श्री विद्याचरण शुक्ल : जहां तक क्रिमिनल ला अमेंडमेंट बिल का सवाल है, उसके बारे में बातचीत बहुत से अपोज़ीशन के लोगों से हुई है। उसमें अभी तक कोई ऐसा नतीजा नहीं निकला है जिसके आधार पर हम लोग हाऊस के सामने आकर इसे पेश कर सकें जिसकी आवश्यकता है। मैं समझता हूं कि यह बिल इतना महत्वपूर्ण है, इसके लिए आम राय होना बहुत जरूरी है। आम राय नहीं हो तो कम से कम इतनी अच्छी राय तो हो जाए जिसके आधार पर सरकार इसको आगे बढ़ा सके। केवल एक पक्षीय आधार पर हम इसको आगे नहीं बढ़ाना चाहते हैं। इसलिए इस बारे में विपक्षी दलों के साथ बातचीत जारी रखेंगे। यह बातचीत तब तक जारी रखेंगे जब तक इसमें कोई समझौता या आम राय नहीं निकलेगी। इसलिए इसे किसी प्रवर समिति में भेजने या सदन में लाने का जब तक बॉड एग्रीमेंट न हो जाए तब तक प्रवर समिति में या हाऊस में लाने का कोई इरादा नहीं है। **(व्यवधान)**

श्री सिकन्दर बख्त : सदर साहेबा... **(व्यवधान)**

[ ]श्री सिकन्दर बख्त: सदर साहेबा...

...مداخلت...

SHRI S. JAIPAL REDDY: The Criminal Law (Amendment) Bill also, like the Patents Bill, could be referred to a Select Committee of the House or even to a Joint Committee, for this has not been considered by the Lok Sabha. We

[ ]Transliteration in Arabic Script.

[Shri S. Jaipal Reddy]

urge the Minister to consider this matter.

SHRI VIDYACHARAN SHUKLA: It has already been passed by the Lok Sabha.

THE DEPUTY CHAIRMAN: No, he is talking about the Criminal Law (Amendment) Bill.

SHRI GURUDAS DAS GUPTA: What is the Minister's response to the Criminal Law (Amendment) Bill being sent to a Select Committee?

श्री सिकन्दर बख्त : सदर साहेबा, मैंने अभी हाऊस की खिदमत में आपके जरिय गुजारिश की कि जो पार्लियामेंटरी तरीके है उनको कदम कदम पर वायोलेट किया जा रहा है। पहले मैं पेटेंट बिल की बात करना चाहता हूं। आनरेबल मिनिस्टर साहब ने अभी फरमाया कि लोक सभा पेटेंट बिल पास कर चुकी है और उसके बाद यह सरकार फैसला कर रही है कि उसको सेलेक्ट कमेटी में भजा जाए। यह गलत बात है। मेरा कहने का मतलब यह है कि सेलेक्ट कमेटी में भेजने का इरादा था तो इसको लोक सभा में पास करने से पहले भेजना चाहिये था। (**व्यवधान**)

†[]شری سکندر بخت: صدر صاحبہ - میں نے ابھی ہاؤس کی خدمت میں گزارش کی کہ جو پارلیمنٹری طریقے ہیں انکو قدم قدم پر وائلٹ کیا جا رہا ہے - پہلے میں پیٹنٹ بل کی بات کرنا چاہتا ہوں آنریبل منسٹر صاحب نے ابھی فرمایا کہ لوک سبھا "پیٹنٹ بل" پاس کر چکی ہے اور اسکے بعد یہ سرکار فیصلہ کر رہی ہے کہ

†[]Transliteration in Arabic Script.

اسکو "سلیکٹ کمیٹی" میں بھیجا جائے - یہ غلط بات ہے - میرا کہنے کا مطلب یہ ہے کہ "سلیکٹ کمیٹی" میں بھیجنے کا ارادہ تھا تو اسکو لوک سبھا میں پاس کرنے سے پہلے بھیجنا چاہئے تھا ... "مداخلت" ...]

उपसभापति : यह कह रहे हैं कि ज्वाइंट कमेटी नहीं होगी दोनों हाऊसेज की। सिर्फ इस हाऊस की कमेटी होगी। (**व्यवधान**)

श्री सिकन्दर बख्त : सदर सहेबा, यह नयी नयी कहानियां क्यों लिख रहे है (**व्यवधान**)

†[]شری سکندر بخت: صدر صاحبہ یہ نئی نئی کہانیاں کیوں لکھ رہے ہیں ... "مداخلت" ...]

Can't they make up their mind? They don't seem to be in a proper mind.

पार्लियामेंटरी प्रेक्टिस को बाला-ए-ताक रख कर स्टीम रोलर की तरह से बुल डोजर की तरह सरकार चलाना चाहती है। इसका मतलब क्या हुआ, क्या कर रहे हैं आप (**व्यवधान**)

پارلیمنٹری پریکٹس کو بالائے طاق رکھکر "اسٹیم رولر" کی طرح سے "بلڈوزر" کی طرح سرکار چلانا چاہتی ہے - اسکا مطلب کیا ہوا - کیا کر رہے ہیں آپ ... "مداخلت" ...]

श्रीमती सुषमा स्वराज (हरियाणा) : लोक सभा में इस बिल का विरोध हुआ था लेकिन इनका बहुमत था इसलिए पास हो गया **(व्यवधान)** क्या इसकी मुखालफत नहीं हुई थी लोक सभा में **(व्यवधान)**

SHRI SIKANDER BAKHT: You are to protect the Parliamentary practices. (*Interruptions*)

THE DEPUTY CHAIRMAN: Just one second, please. You see what is happening. I get totally confused in this. Jaipal Ji, please sit down, Confusion is created when everybody speaks simultaneously.

SHRI SIKANDER BAKHT: Confusion has been created by the Minister by the way they work. (*Interruptions*)

THE DEPUTY CHAIRMAN: All right. But at least do not continue me. The Minister Saheb has brought a proposal. His proposal, as far as the Patents Bill is concerned, is that there are certain reservations in this House. Whether there was reservation in that House or not, yet it has been passed there. There are aways reservations on every Bill and yet they are passed. But in this House, there are reservations and there are instances in the past, where one House... (*Interruptions*)

आप सुन रहे है मेरी बात ।

I don't understand. What is this?

श्री सिकन्दर बख्त : सुन रहा हूं

माननीय सिकन्दर बख्त : सुन रहा हूं

THE DEPUTY CHAIRMAN: Okay. I am not interested to speak. Thank you very much. This is terribly a disrespect to the Chair when I am talking. Sikander Bakht Saheb. I am sorry to say that you were not listening when I was talking. You have asked me to give a ruling. You want me to protect you. Then, you have a cross-talk. This has happened in thepast... **(व्यवधान)**

आप बैठिए ।

In the past, it has happened. If any House has an objection, they can send it to the Select Committee. It has happened in the past.

SHRI DIGVIJAY SINGH (Bihar): We have never discussed it in the House.

अभी यहां बहस कहां हुई है सदन में । कितने लोग सदन इस में बठे हुए हैं, उतने ही लोग उस सदन में बैठे हुए थे **(व्यवधान)**

श्री जगदीश प्रसाद माथुर : (उत्तर प्रदेश) :मैडम, एक बात यह कहना चाहता हूं, यह बात बिल्कुल सही है और आपने ठीक कहा था, ऐसा लगता है कि इस हाउस की एक अलग कमेटी बन सकती है... (व्यवधान) यदि आपोजीशन के कोई मेम्बर या पार्टी कहे कि इसे सिलेक्ट कमेटी को भेजा जाए तो गवर्नमेंट कंसीड कर सकती है लेकिन चूंकि गवर्नमेंट स्वयं ला रही है तो मै यह जानना चाहूंगा कि क्या कारण है कि जब लोक सभा ने पास कर लिया ।

उपसभापति : कारण उन्होंने बता दिया है ।

श्री जगदीश प्रसाद माथुर : लोक सभा ने पास कर लिया है इसका मतलब है आप संतुष्ट थे । यदि हम मांगते और आप कंसीड कर लेते तब तो बात समझ में आती थी लेकिन

Why is the Governing doing? What is the reason?

श्री विद्याचरण शुक्ल : कारण मैं बता चुका हूं... (व्यवधान) मैं दबारा रिपीट कर देता हूं ।

श्री जगदीश प्रसाद माथुर : मैं जानना चाहता हूं कि पेटेंट बिल आप क्यों सिलेक्ट कमेटी में भेजना चाहते है?

श्री दिग्विजय सिंह : एक एक आदमी को अगर जवाब दें तो ज्यादा बेहतर है ।

THE DEPUTY CHAIRMAN: Mr. Jaipalji, let me handle the things in the way I want to handle, please. You may put your question later on. The Minister is not going away. He is answering to a Member's question. But please don't confuse because everybody has a different opinion. He can't answer different opinions, in one answer. Let him answer Mr. Mathur's question, "Why has the Government got a reason to send it to the Select Committee of this House when it has been passed by the Lok Sabha?"

SHRI VIDYACHARAN SHUKLA: Madam, I have already explained this. But I will again explain this to the House. After having it passed from the Lok Sabha, it came to this House. We have had a series of discussions with the hon. Members and leaders of the Opposition. Then, several new points came in. Several discussions were held. We could not come to a consensus on his matter. Therefore, in order to give a consensus, in order to reconcile the different points of view, in my opinion, Madam, on behalf of the Government I feel that it would be in the fitness of things, if the whole House represented in the Select Committee, sit down together and suggest such amendments or such modifications in this Bill. In case such a matter comes up, why the Select Committee and the House in its wisdom expects it, we will take it back to the Lok Sabha and have those amendments accepted there. But we must find a way out because there seems to be divergent views. Those views could not be sorted out in personal discussions with the leaders of various political parties. Therefore, this is a method that we have thought of. As you yourself suggested this is a regularly accepted parliamentary method. Therefore, I am placing this Bill for your consideration and for the consideration of the House. ... (*Interruptions*) ...

SHRI JAGDISH PRASAD MATHUR: My question is, why did't the Government want that consideration by the Lok Sabha? ...(*Interruptions*) .. Why? ....(*Interruptions*)...

डा. मुरली मनोहर जोशी : उन्होंने मेरे प्रश्न के उत्तर में यह कहा था मैं.. (व्यवधान) मेरा आपसे अनुरोध है कि बिजिनेस एडवाइजरी कमेटी में इसके लिए 30 तारीख निश्चित कर दी गयी थी कि 30 तारीख को वह यहां सदन में पेश किया जाएगा, उस पर चर्चा होगी... (व्यवधान) यह बिजिनेस एडवाइजरीकमेटी में तय हुआ था । तब से आज तक कई दिन गुजर गए हैं । यह अचानक सरकार को बुद्धिमानी कहां से सूझी कि अब वे पेटेंट बिल को वहां पेश करना चाहते हैं या इस बात से डर रहे हैं कि वह जिस रूप में यहां पेश किया जाएगा तो वह हार जाएगा, वह बिल रिजेक्ट कर दिया जाएगा । आफटर-आल 30 तारीख तय कर दी गयी थी । सारी बात तय होने के बावजूद और यह तय होने के बावजूद कि 30 तारीख को वह बिल आएगा, आप खुद ही भाग रहे है इससे । उस बल को आप संसदीय प्रक्रिया से क्यों बचाना चाहते हैं । यह बहस हो जाने दीजिए उसके ऊपर क्योंकि हमारे तमाम प्रतिपक्ष की यह मांग रही है कि इस मामले में बहुत से ऐसे मुद्दे हैं जिन पर गहराई से विचार होना चाहिए... (व्यवधान)

श्री जवदीश प्रसाद माथुर : मैडम...

उपसभापति : अभी जोशी जी बोल रहे तो उनको बोलने दीजिए ।

डा. मुरली मनोहर जोशी : देश को पता लगना चाहिए कि इस पेटेंट बिल से इस देश के लिए कितना नुकसान आप करने जा रहे हैं । इसके पता लगने का भी तो कोई मौका मिलना जाहिए । और इसलिए उस पर बहस कराएं.. (व्यवधान) आप बहस से क्यों बचना चाहते हैं ?... (व्यवधान)

श्री विद्याचरण शुक्ल : माननीय जोशी जी इस बात को अच्छी तरह से जानते हैं कि संसदीय प्रक्रिया क्या होती है।... **व्यवधान**.. संसदीय प्रक्रिया के अनुरूप ही इस बिल को हम भेज रहे हैं। ... **(व्यवधान)**

श्री चतुरानन मिश्र (बिहार) : हम लोगों का भी सुन लीजिए...**(व्यवधान**... मंत्री जी, हम लोगों को भी सुन लीजिए।

श्री विद्याचरण शुक्ल : संसदीय प्रक्रिया के अनुरूप ही बिल को भेज रहे हैं... **(व्यवधान** सलैक्ट कमेटी में किसी को आपत्ति नहीं होनी चाहिए। ... **(व्यवधान)** ...

THE DEPUTY CHAIRMAN: I am doing it the way I want it. You please sit down.

मैं आपको बुलाऊंगी। अभी आप बैठिए।...**(व्यवधान)** ...

श्री जगदीश प्रसाद माथुर : प्वाईंट आफ आर्डर।

Point of order on this.

उपसभापति : हो गया। आपका हो गया।

श्री जगदीश प्रसाद माथुर : नहीं, प्वाईंट आफ्र आर्डर आन दिस जो इन्होंने कहा है।

उपसभापति : नश प्वाईंट, आफ आर्डर ...**(व्यवधान)** एक मिनट बात सुनने दीजिए।...**(व्यवधान)**

श्री विद्याचरण शुक्ल : सब वर्गों का प्रतिनिधि होगा, सब लोगों की बात सुनी जायेगी ...**(व्यवधान)**.. सलेक्ट कमेटी की रिपोर्ट सदन के पास आएगी। यदि सदन उस कमेटी, की सिफारिशों को मंजूर करता है...**(व्यवधान)**

उपसभापति : एक मिनट बात सुनिए। ...**(व्यवधान)**...

श्री जगदीश प्रसाद माथुर : हमारी समझ में नहीं आती...**(व्यवधान)** जी नहीं...**(व्यवधान)** जब सैक्ट कमेटी में रिपोर्ट होती है तो उसका हिस्सा हो जाती है और उसके बाद अमेंडमेंट करना पड़ता है।

श्री विद्याचरण शुक्ल : महोदया, एक बात और यह कहना चाहेंगे ... **(व्यवधान)** ... मैं पूरा तो कर लूं।

श्री चतुरानन मिश्र : हम लोगों की भी तो बात सुनिए।...**(व्यवधान)** ...

श्री विद्याचरण शुक्ल : मैडम, मे आई कप्रंलीट माई सबमिशन ?

उपसभापति : यस, प्लीज़।

श्री दिग्विजय सिंह : उपसभापति महोदया, हम भी अपनी बात कहें या नहीं ?

उपसभापति : उनकी बात पूरी हो जाए ...**(व्यवधान)** बाद में बोलिएगा। अभी बहुत टाईम है। अभी हाउस एडजर्न नहीं हुआ है। एक मिनट बैठ जाइये, क्योंकि बहुत शोर होता है।...**(व्यवधान)**

SHRI VIDYACHARAN SHUKLA: Madam, may I complete my submission?

THE DEPUTY CHAIRMAN: Yes, please.

SHRI VIDYACHARAN SHUKLA: Madam, it is in the best parliamentary traditions that controversial Bills are referred to Select Committees. Therefore, we refer it to a Select Committee. We are not afraid of anything, as the hon. Member, Joshiji, was suggesting. We are not working under any misapprehension; we are not working under any duress; we are not working in fear of anybody.

We are doing it because we want the consensus of the House and the best way to obtain the consensus of the House is through a Select Committee. ...(*Interruptions*).

SHRI SIKANDER BAKHT: The Government is going to be defeated ... (*Interruptions*). That is what is going to happen... (*Interruptions*).

उपसभापति : चतुरानन जी, आप बोलिए ।

श्री चतुरानन मिश्र : उपसभापति महोदय, सरकार ने जो यह सुझाव दिया है कि सलेक्ट कमेटी में इसको भेजा जाए तो मैं इसका समर्थन करता हूं । यह अच्छा तरीका है क्योंकि यह बिल बहुत ही कंट्रोवर्शियल है और हम लोग राजी नहीं हो रहे थे । कई मीटिंग बुलाई गई थीं । यह सच बात है । अगर एक बार इस पर हम लोगों को अवसर मिलना है तो यह अच्छी बात है । अब यहां तक हमारे माननीय मित्र जोशी जी को कहना है कि सरकार को यह अकल इतनी देर से क्यों आई तो हमारा कहना है कि उनका बराबर अक्ल देर से आती है, लेकिन जब अकल आ गई तो दूसरे लोगों की अकल गड़बड़ाने क्यों लगती है ?

डा. मुरली मनोहर जोशी : आपकी कथनी में बहुत अंतर है ।

श्री चतुरानन मिश्र : अच्छा तो हम लोग और नजदीक बैठा करें । इसलिए हमारा ख्याल है कि यह अच्छा तरीका है । सरकार ऐसी ही सद्बुद्धि कंपनीज लॉ अमेंडमेंट बिल के बारे में जल्दी ले ले तो अच्छा हो जाएगा । शांति से साथ सब लोग सोचेंगे और इस पर हम लोग करेंगे । इसमें कोई गड़बड़ की बात नहीं है । यह तो आप अगर कंसल्टेशन करते हैं अलग बात है । हमारे लीडर आफ् द अपोजिशन ने कहा कि चव्हाण साहब ने जो भेजा उसमें कोई फार्वर्डिंग लेटर नहीं है और टाइप किया हुआ है दस्तखत भी नहीं है । इसलिए कहां से आया है, कौन भेजा है, इसका ऐड्रेस क्या है (*व्यवधान*) नहीं, लिफाफा तो किसी का रह सकता है, मजमून की बात होती है । ... (*व्यवधान*) मजमून पर जा रहे हैं, लिफाफा लेकर हम क्या करेंगे । इसलिए हम आपसे अनुरोध करेंगे कि जल्दी से जल्दी सरकार यह विचार करे । यह अनिश्चितता जो है उसके बारे में भी आप ले लीजिए और जितना ज्यादा कंसल्टेशन हो डेमोक्रेसी के लिए अच्छा है, मुल्क के लिए अच्छा है । इसलिए हम आपकी इस बात का समर्थन करते हैं ।

SHRI S. JAIPAL REDDY: Madam, it is no secret that the Opposition parties have majority in this House But we have not misused that majority. We have not obstructed the legitimate business of the Government on that basis. Madam, the Patents Bill is one piece of legislation to which we have wide-ranging fundamental objections. That is the reason why we registered our protest with all vigour and we have had many discussions with the Government and as the Minister rightly pointed out, we could not reach a consensus. We requested the Government to refer it to the Standing Committee of Industry. Some how, the Government did not agree. Now, the Government has veered round to the view that it should be referred to the Select Committee of the House. I welcome it. I also would agree with Chaturanan Mishraji that a similar wisdom may also be made applicable to the Criminal Law Amendment Bill.

THE DEPUTY CHAIRMAN: Shri Ashok Mitra, I want to allow him to speak because he has given a Zero Hour mention on this subject and I want to clear it now only.

SHRI ASHOK MITRA: Madam, I just heard the Minister's saying that he is anxious to have the views of the House and he wants to have a consensus reached here. I am just asking myself: "Are they at all interested?" I mean, the Government. I have some evidence which would suggest that

Parliamentary democracy has already come to an end in this country. (*Interruptions*). The rule of law has become defunct. Madam, if you kindly remember that the Government issued an Ordinance on the midnight of December 31st—January 1st amending the Patents Act of 1970. Now that amended ordinance... had two major provisions. One, the Government invites applications for product patents from the multinational companies and number two, pending the processing of these applications, the Government also requested the multinational companies to file applications for exclusive marketing rights. But we know that this Ordinance lapsed on the midnight of March 26th-27th and the Bill for converting the Ordinance into law was passed by the Lok Sabha But could not be passed in this House. Therefore, the Ordinance has lapsed. There is no substitute legislation. Let me however read something which the Director-General of the World Trade Organisation has told the correspondent of the Hindu on the 19th of May this month. What does he say? "The WTO's Director-General said that there were several elements which counter-balanced the Government failurt to get the legislation passed. The first was that the Government had shown courage by being the first country in the world to introduce the new legislation The second was that despite the fact the Ordinance there creating a mail box, that is, inviting applications for product patents and EMR's has expired and the Government was still accepting the Patent applications." What is it? Do you have any rule of law in the country? The Government does not care whether there is a law or there is no law. (*Interruptions*) Why are we here? We should dissolve both the Hooses of Parliament and go home. We do not matter as far as the Government is concerned So, I would demand of the Government—I am not requesting but demanding to know do they dare to contradict the statement of the Director-General of the WTO, who is visiting us any day, maybe, today or tomorrow? After all, he has been formally and officially informed by our people that we are continuing with receiving of applications. Otherwise, the gentleman, at such responsible position, would not have made such a statement, which means, in effect, you are flouting the law of the land. You are creating your own law or you are telling our people, "We do not care a whit for Parliament." We are no longer a parliamentary democracy. That is what I am trying to say. I am just trying to appeal even to the Congress Party benches: Is this the way you want to run the administration is this the rule of law?

The least I would say is that the Prime Minister who is in charge of the Ministry of Industry, which is in administrative control of the Patents Act, should come before us and tell us what the law of the land is, what the reality is, what the truth is and whether we have sacrificed more of our national interests of the sky at midnight without informing the Parliament, Madam, and without taking the concurrence of Parliament.

डा० अल्ला मनोहर जोशी : मैडम, इस महत्वपूर्ण मसले पर मैं मित्रा जी से बिल्कुल सहमत हूं। मैंने इसीलिए यह सवाल उठाया था कि हमारे मंत्री महोदय इस बारे में स्पष्ट बताएं कि इस पेटेण्ट बिल के बारे में और पेटेण्ट कानून के बारे में सरकार की नीति क्या है ? एक बहुत भारी अंतर्राष्ट्रीय दबाव के अंतर्गत यह सरकार काम कर रही है, यह मल्टीनेशनल के दबाव के अंतर्गत काम कर रही है और यह एक्सक्ल्यूसिव मार्केटिंग राइटस मल्टीनेशनल को दिए जा रहे हैं। यह इन दवाइयों के लिए दिए जा रहे हैं, जो हिन्दुस्तान के गरीब आदमी के जीवन को बिल्कुल कठिन कर दे, सारे हैल्थफैयर स्कीम को खराब कर दे और आज यह एक्सक्ल्यूसिव मार्केटिंग राइटस दवाइयों तक सीमित नहीं रहेंगे, केमिकल्स और फर्टिलाइजर में भी जाएंगे जो सारे हमारे कृषि

पर भी असर डालेंगे । आप किस हद तक इस देश को ले जाना चाहते हैं ? आप बिना किसी अधिकार के इस देश की सार्वभौमिकता को, इस देश की आर्थिक आजादी को मल्टी-नेशनल के सामने गिरवी रखना चाहते हैं ? तमाम गैर-कानूनी ढंग से आप काम कर रहे हैं और यह सरकार और आपके तमाम लोग इसके अंदर शामिल होना चाहते है । इसीलिए मैं चाहता था कि इस बिल के बारे में जो कुछ इसकी आज इस देश को हानियां हैं और जिस रफ्तार से आप इस देश को गिरवी रखते जा रहे हैं, उसका पता सारे हिन्दुस्तान को लगना चाहिए ।

मैडम, यह कितने शर्म की बात है कि जब तमाम देशों ने अभी तक अपने पेटेण्ट कानून में संशोधन नहीं किया और हमको अभी दस साल का समय है इस कानून में संशोधन के लिए, हम उसका लाभ उठा सकते हैं, लेकिन आप जल्दी से जल्दी भागे चले जा रहे हैं । कोई न कोई दबाव तो आपके ऊपर काम कर रहा है, जिसकी वजह से आप इस कानून को पास करने की जल्दी मचा रहे है । ...(**व्यवधान**)...मैडम, मैं जानना चाहूंगा इस बारे में, कि सरकार बिल्कुल अपनी स्पष्ट नीति बताए ।..... (**व्यवधान**)...

श्री चतुरानन मिश्र : मैडम, अशोक मित्रा साहब का बहुत सही सवाल है । इस पर गवर्नमेंट को बोलना चाहिए । ...(**व्यवधान**) Under what law are you entertaining those applications if that law has already expired? (Interruptions) Why are you entertaining them! ...*Interruptions*) Madam, you should direct the Government to clarify the position. This is highly objectionable. ... (*Interruptions*). What the Director General said is highly objectionable (*Interruptions*)

DR. BIPLAB DASGUPTA: Madam, throughout the discussion with the Government on the patent issue, the Government has given us an impression that all the countries in the world have joined; only we are lagging behind. Now we understand that this is not the case. ...(*Interruptions*) ... Now Mr. Pranab Mukherjee is here. Mr. Pranab Mukherjee who is a former Commerce Minister, has, on behalf of the Government, conducted many discussions with them. So, he must be knowing everything. I would request him to answer the question categorically because it is Mr. Pranab Mukherjee who has been telling us throughout that all the countries have joined; if we do not, we will be in trouble. ...(*Interruptions*)... Now we understand that Indid has been the first...(*Interruptions*)...

THE DEPUTY CHAIRMAN: I heard you. ...(*Interruptions*)...That is a dierent issue. ...(interruptions).. Mr. Mukherjee wants to say something. (*Interruptions*)

श्री दिग्विजय सिंह : मैडम मेरी बात सुन लें पहले । डब्लू०टी०ओ० के चेयरमैन साहब ने यहां तक कहा कि आपकी संसद बिल पास करती है या नहीं इससे घबराने की कोई बात नहीं है, काम हमारा सब कुछ हो रहा है । यह उनके बयान में है ।...(**व्यवधान**)... यह बयान में है कि संसद पास करती है या नहीं इसकी परवाह आप मत कीजिए, इसकी चिंता मत कीजिए, हमारा काम हो रहा है । ...(**व्यवधान**)...इसीलिए सरकार अभी पेटेण्ट बिल पर एप्लीकेशन ले रही हैं । यह कितनी खतरनाक बात हैं, मैडम ? आज हम दुनियां में .... (**व्यवधान**)...

उपसभापति : आप बैठिए .... (**व्यवधान**)...

श्री दिग्विजय सिंह : विदेश मंत्री जी इस पर जवाब देने खड़े हो रहे हैं इसलिए मैं विदेश मंत्री से पूछूंगा । एक समय तो ऐसा था कि जब हम तीसरी दुनियां के देशों के नेता बनकर इन बीजों का विरोध कर रहे थे और आज तीसरी दुनियां को छोड़कर हम ही पहल कर रहे है घुटने टेकने के लिए..... (**व्यवधान**)...

श्री मोहम्मद सलीम : हम घुटने टेकने की नीति का नेतृत्व कर रहे हैं ।

†[شری محمد افضل عرف م۔ افضل: ہم گھٹنے ٹیکنے کی نیتی کا نیتر تیو کر رہے ہیں۔]

श्री दिग्विजय सिंह : आज हम घुटने टेकने की नीति का नेतृत्व कर रहे है और जिस तरह की बाते की जा रही हैं, मैं चाहूंगा कि विदेश मंत्री उस पर अपनी राय रखें । . . . (**व्यवधान**) . . .

उपसभापति : बैठ जाइए । . . . . . (**व्यवधान**) . . . आप बैठ जाइए । There is no discussion.

SHRI GURUDAS DAS GUPTA: Madam, I will just read one line. (*Interruptions*)...

THE DEPUTY CHAIRMAN: No. There is no discussion on this. (*Interruptions*)... Please sit down. (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: I will read only one line, Madam. (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please sit down. I am not allowing this. (*Interruptions*)... Please sit down. (*Interruptions*)... Please sit down. (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Madam, just one significant line. (*Interruptions*)... Please. There is one very significant line. That gentleman says, "The second was that despite the fact that the Ordinance creating the Mail Box had expired, the Government was still accepting patent applications. So, there was no real problem." Who runs the Government? ... (*Interruptions*) ... Who runs the country? (*Interruptions*)... Who runs the country? (*Interruptions*)...

THE DEPUTY CHAIRMAN: All right. Now I have heard it. (*Interruptions*)... Don't repeat it. (*Interruptions*)...I have clearly heard it. (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: There is a Government. Therefore, we want to know who runs the country. The Minister has to reply. (*Interruptions*)...

THE DEPUTY CHAIRMAN: Okay, we have heard it. (*Interruptions*)... Please sit down. (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Who runs the country? (*Interruptions*)...

DR. MURLI MANOHAR JOSHI: It is the Director General of WTO who is running the country. That is the charge. (*Interruptions*)... You are functioning under the dictates of WTO. You are not a free Government. (*Interruptions*)...

THE DEPUTY CHAIRMAN: No. Mr. Murli Manohar Joshi, please sit down. (*Interruptions*)... Enough is enough. (*Interruptions*). Enough is enough. Everybody had his say. Everybody said whatever he wanted to say. Now the Foreign Minister, Mr. Pranab Mukherjee, is here. Though it is not his Department any more, if he is volunteering I will permit him. If he is not volunteering, I will not force him.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI PRANAB MUKHERJEE): Madam, I have to only inform them. I don't know why the Members are getting agitated. They know it because this issue was discussed at length when we had a debate on the GATT. Unless the law is passed there is no question of allowing either product patent or exclusive marketing right. The question does not arsie at all. (*Interruptions*)

†[ ]Transliteration in Arabic Script.

DR. BIPLAB DASGUPTA: Then, where is the question of opening the Mail Box? (*Interruptions*)

SHRI PRANAB MUKHERJEE: Let me complete. I am coming to that. The whole problem with these gentlemen is that they think they have the last word. My point is that even if we don't amend the Patent Act, we shall have to open the Mail Box. We have got a transition period of ten years, that is, 2005. If we cannot pass the Act by 2005 we shall have to dispose of the cases which will be received from 1st of January and in order to determine the priority, which application was received on which date, which will be disposed of after the passing of the law, the Mail Box is to be opened. (*Interruptions*)...

DR. BIPLAB DASGUPTA: Why? You are saying just the opposite.... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please sit down. (*Interruptions*)... Mr. Biplab, please sit down. (*Interruptions*)...

SHRI PRANAB MUKHERJEE: The Mail Box is to be opened because even the existing law does not.... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Mr. Biplab, please don't interrupt. Please keep quite. (*Interruptions*)..

SHRI PRANAB MUKHERJEE. Just listen to me. WTO does not prevent you from receiving the applications. Even the existing law does not prevent you from receiving applications. (*Interruptions*).

DR. BIPLAB DASGUPTA: Madam, ..

THE DEPUTY CHAIRMAN: I don't want to know anything. (*Interruptions*)... Listen to the Minister. (*Interruptions*)... No. I don't want to listen to you. (*Interruptions*)...

SHRI DIGVIJAY SINGH: What is he answering? There is absolutely no point. (*Interruptions*)...

SHRI PRANAB MUKHERJEE: I am answerng that nothing prevents a patent holder from coming and applying to the Government of India, "Give me a product patent". The Government of Indja will say, "I won't give you a product patent because my law does not permit you." But that does not prevent him from filling an application. And what is the statutory provision here? (*Interruptions*)... Madam, I am not yielding. (*Interruptions*)... I am not yielding. (*Interruptions*)...

THE DEPUTY CHAIRMAN: I am not allowing. (*Interruptions*)... Nothing is going on record. (*Interruptions*)... I am not allowing. (*Interruptions*)...

SHRI PRANAB MUKHERJEE: I am ot yielding. (*Interruptions*)... I am not yielding. (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please sit down. (*Interruptions*) . Mr. Baby, it is projection of a very bad behaviour in the House. (*Interruptions*)... Please sit down. (*Interruptions*)...

SHRI PRANAB MUKHERJEE: There will be a Mail Box. The applications will be receved. (*Interruptions*) ..

THE DEPUTY CHAIRMAN: Mr. Mukherjee, just one minute. (*Interruptions*)... Just one minute. Unfortunately the Members have become very very unruly and I have to say this. When the Minister is not wanting to say, you ask him to say something. It doesn't concern his Ministry now. You insisted on it and now you don't want to hear him. I will tell him to go from the House and not to answer. He is not obliged to answer you.

This is not the way you should behave when he is volunteering to answer. You should listen to him first. Listen to him. (*Interrup-*

tions). All right. Please don't answer. Mr. Minister, don't answer. (*Interruptions*. I will not allow it. (*Interruptions*). Either you listen to him or you don't listen to him. him or I would not ask him to answe. (*Interruptions*). He has every right to be heard. (*Interruptions*). He Please sit down. (Interruptions) Not just now. (Interruptions) Not not. Please sit down. (Interruptions). Enough. (Interruptions) .Not now. only when I idenitfy you. (*Interruptions*). I will not allow you, whatever the matter might be, until and unless the Minister has had his say. (*Interruptions*). Please sit down. I have to protect everybody. (*Interruptions*). I will not allow you. (*Isterruptions*). I will not allow you. (Interruptions). Don't argue with me. (*Interruptions*). Don't stretch my patience too much. Please. I am telling you, please don't (*Interruptions*).

डा० मुरली मनोहर जोशी : महोदया मंत्री महोदय को अपनी बात कहने का पूरा अधिकार है । लेकिन हम यह चाहते हैं कि यह बहुत महत्वपूर्ण प्रश्न है, इस पर सरकार की नीति साफ होनी चाहिए । हमारा उद्देश्य यह है कि इसमें जो शंकाएं हैं उनका आप समाधान करें । . . . . . (**व्यवधान**)

THE DEPUTY CHAIRMAN: Please sit down. (*Interruptions*). Okay, I will go ahead with other work. Shri Jagmohan. (*Interruptions*).

SHRI P. UPENDRA (Andhra Pradesh): Madam, let him complete.

THE DEPUTY CHAIRMAN: It cannot be completed this way.

SHRI P. UPENDRA: Madam, a majority of the Members want to listen to him. (*Interruptions*). This is very unfair.

SHRI PRANAB MUKHERJEE: What I was saying is this. When we entered into multilateral trade negotiations and a part of the Trade for Related Intellectual Property Rights which are there for the developing countries, in different stages 10 years transition period was given. India belonged to that category. As we don't have any law allowing product patent—relating to agriculturt, chemicals, pharmaceutical products and drugs, we were given a transition period of 10 years from 1st January, 1995 to 31st December, 2004. Then a question arose: What would happen in between, if somebody gets a patent holding and wants to have it patentable in India? How will the Government of India dispose of that application? It was decided that a mail-box would be opened and applications would be received. But it would not be disposed of because it cannot be disposed of. The law of the country does not allow product-patenting. In order to facilitate the patent holder, in order to determine who applies first, because he will get preference and who stands in the queue at what point of time, a mail-box would be opened. As and when the law is amended, these cases will be disposed of.

The law says, a country may reject it or a country may accept it. According to the law, the authorities created by the law will dispose of these cases as and when they will be empowered by the law passed by Parliament. That is my point regarding mail-box. This point was raised and discussed when the debate took place.

So far as the present law is concerned, it says that if one country gets exclusive patent-holding in another country, a member country, and thereafter if it gets marketing rights also and if it wants to sell its products in this country, it would not be allowed to do so because the law does not permit it. In order to facilitate the exclusive marketing right, the amendment was made through an Ordinance. That Ordinance has lapsed. Now, if the law is not passed, the EMR would not be extended. These two things, EMR and the mail-box should not be mixed. The 'Mail Box' is just a sys-

tem to facilitate the receipt of the application. It does not mean that you will be giving it. If the law is not passed, it will become just a waste-paper basket and nothing beyond that. So, what is there to be so agitated about?

श्री चतुरानन मिश्र : ऐजिटेशन का सवाल तो है ही नहीं जब गवर्नमेंट को राइट नहीं है प्रोडक्ट पेटेंट करने का तो ... (**व्यवधान**)...यह राइट आपको आया कहां से ?...यह राइट आपको अभी नहीं है । आप ले लीजिए तो अलग बात है लेकिन आपको यह अधिकार नही है ।...(**व्यवधान**)...यह अधिकार ही नहीं है गवर्नमेंट को ।...(**व्यवधान**)...

SHRI S.K.T. RAMACHANDRAN (Tamilnadu): Enough is enough. It has been discussed...(*Interruptions*)...

DR. BIPLAB DAS GUPTA: The Government is receiving applications, whereas the law does not permit it. ...(Interruptions)...

SHRI M. A. BABY (Kerala): We cannot allow this...(*Interruptions*) ...

उपसभापति : बैठ जाइए । हो गया, बात खत्म हो गई ।...श्री जगमोहन... जगमोहन जी बोलिए । ...(**व्यवधान**)...

SHRI GURUDAS DAS GUPTA: What Mr. Mukherjee is saying now is different from what he said earlier ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: We are not discussing it anymbre, Mr. Jagmohan...(*Interruptions*)...

SHRI S.K.T. RAMACHANDRAN: I expect some wisdom to prevail upon you. It is very clear ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: We are not having a descussion on this ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: The hon. Minister has not given his response to the statement. He has made a categorical statement. Let him make a point on that also. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: I won't allow. He cannot...(*Interruptions*)...

SHRI S. JAIPAL REDDY: The hon. Minister was intervening on his own...(*Interruptions*)

SHRI MD. SALIM: It affects the national prestige ...(*Interruptions*)...

SHRI M. A. BABY: It is true then that the sovereignty of our country is being compromised. It is nothing less than thrat...(*Interruptions*) ...

THE DEPUTY CHAIRMAN: Mr. Jagmohan is raising a serious matter...(*Interruptions*)...

SHRI S. JAIPAL REDDY: According to the interview given by the Director of the WTO, patent applications are being received in the context of exclusive marketing rights. That is the point we tried to make...(*Interruptions*) ...

THE DEPUTY CHAIRMAN: Nothing is good on record.

SHRI M. SALIM: *

SHRI GURUDAS DAS GUPTA: *
SHRI M. A. BABY: *

THE DEPUTY CHAIRMAN: Please sit down. Have some courtesy towards other Members. It is not going on record. It will not be reported in the Press...(*Interruptions*)...

*Not recorded.

श्री सिकन्दर बख्त : सदर साहिबा, ये सब कुछ गड़बड़ कर रहे हैं । ये तमाम पार्लियामेंटरी प्रैक्टिसिज़ को फ्लाउट कर रहे हैं । पार्लियामेंटरी प्रैक्टिसिज़ को डिजॉल्व कर रहे हैं । इस गवर्नमेंट के लॉ को ओकेज़नल मीज़र्स के तौर पर इस्तेमाल कर रहे हैं । हम कैसे उसको दुरस्त समझ सकते हैं ?

The Government is determined to flout everything and the laws of the land. This is what they are doing. They are flouting all the parliamentary practices. They are flouting all the laws of he land.

DR. MURLI MANOHAR JOSHI: Now the existence of Parliament is in danger... (*Interruptions*) ...

(At this stage, some hon. Members left the Chamber)

THE DEPUTY CHAIRMAN: SHRI Jagmohan. Now, let Mr. Jagmohan speak.

क्वाइटली बोलिए क्योंकि बहुत सीरियस मामला वह उठा रहे हैं ।

RE.: RE-APPEARANCE OF MAST GULL AND HIS PRESS CONFERENCE ON TELEVISION

SHRI JAGMOHAN (NOMINATED): Madam, I want to raise an issue relating to the resurfacing of Mast Gul... (*Interruptions*) ...

THE DEPUTY CHAIRMAN: Let there be peace in the House. Let there besome cool. Even my cool should come back. Let the atmosphere be a little serious enough to discuss a very serious issue of the reappearance of Mast Gul, not the reappearance of Shri J.P. Mathur.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : मैं श्री जगमोहन जी को असोसिएट करने के लिए वापिस आया हूं ।

THE DEPUTY CHAIRMAN: We are talking about the reappearance of Mast Gul and not that of Shri Mathur.

SHRI JAGMOHAN: Madam, I want to raise an issue pertaining to the resurfacing of Mast Gul, his interview on the television and his Press conferences in which some Indian Press people were also present. This is a very serious administrative lapse, a very serious security lapse and a very serious intelligence lapse. I would like the Government to find out how such lapses are taking place and the Government must come out with a statement as to how this is all happening. With all the intelligence set-up and a huge expenditure incurred on administration and security, one gentleman comes and appears on the television and gives all types of Press conferences. That shows us in a very poor light. I think nothing can be more inexcusable than this. I would like the Government to make a statement as to how this is happening.

The second point connected with this issue is that it must be understood that publicity is the oxygen to terrorism. If we do not give publicity to terrorism, it will die. Unfortunately, Our own press people go such conferences. They are flashed on the television. Their photographs are printed in the newspapers and this boosts terrorism. You really give such a psycholoical boost to terrorism that today every youngster feels like joining the ranks of terrorists. Therefore, I think something must be done to stop this.

In Srinagar when I was there, there was a regular trade going on. There was a hotel called Madhu Hotel where some people used to sit. Foreign correspondents were connected through telephones. When they came, they were received at the airports. They were told "you give us so many dollars, we would take you to so and so terrorist and make you have an exclusive interview with him". A whole network was going on. It is very easy to be against the law and you can always